



**CITY OF LODI  
COUNCIL COMMUNICATION**

**AGENDA TITLE:** Adopt Resolution Vacating Ten-Foot Public Utility Easement Located at Lodi Memorial Hospital (975 South Fairmont Avenue and 1200 West Vine Street)

**MEETING DATE:** September 5, 2007

**PREPARED BY:** Public Works Director

**RECOMMENDED ACTION:** Adopt a resolution vacating a ten-foot public utility easement at Lodi Memorial Hospital located at 975 South Fairmont Avenue and 1200 West Vine Street (Assessor Parcel Numbers 031-070-40 and 031-070-37).

**BACKGROUND INFORMATION:** Lodi Memorial Hospital is currently undergoing a major building expansion at their current 975 South Fairmont Avenue and 1200 West Vine Street sites. A proposed new building is located southwest of the current structure and lies across an unused ten-foot public utility easement. The public utility easement was dedicated to the City on April 8, 1974, Book 3862 of Official Records, Page 115, San Joaquin County Records, and located as shown on the attached Exhibit A.


Under Section 8333 of the Streets and Highways Code, a local agency may summarily vacate an easement if the easement has not been used for the purpose for which it was dedicated.

Pacific Gas & Electric, AT&T, Comcast, and the City of Lodi Electric Utility and Fire Departments, as well as the Water and Wastewater Divisions of the Public Works Department, have approved the abandonment of the ten-foot public utility easement.

The Public Works Department therefore recommends that the request to abandon the ten-foot public utility easement be granted without referral to the Planning Commission or the normal posting, publishing and public hearing.

**FISCAL IMPACT:** Not applicable

**FUNDING AVAILABLE:** Not applicable.

  
\_\_\_\_\_  
Richard C. Prima, Jr.  
Public Works Director

Prepared by Jeannie Matsumoto, Senior Engineering Technician  
RCP/JM/pmf  
Attachment

**APPROVED:**   
\_\_\_\_\_  
Blair King, City Manager

RESOLUTION NO. 2007-178

A RESOLUTION OF THE LODI CITY COUNCIL  
VACATING PUBLIC UTILITY EASEMENT AT 975 SOUTH  
FAIRMONT AVENUE AND 1200 WEST VINE STREET

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WHEREAS, on April 8, 1974, there was dedicated a ten-foot easement for public utilities located at 975 South Fairmont Avenue and 1200 West Vine Street, Lodi, California, more particularly described as follows and delineated on the attached map marked Exhibit A:

A strip of land 10.00 feet in width the centerline described as follows:  
Beginning at a point in the East line of Ham Lane, said point lying 174.50 feet South of the South line of Vine Street; then North 59° 42' 30" East, 50.10 feet; thence South 87° 43' 30" East, 457.00 feet; thence South 15° 03' 30" East, 110.00 feet to the Southeasterly terminus of said 10.00 foot strip of land.

WHEREAS, the owners of the property have requested that the City of Lodi abandon the ten-foot easement; and

WHEREAS, this easement has not been used for the purpose for which it was dedicated; and

WHEREAS, the Streets and Highways Code of the State of California §8333 provides that the legislative body of a local agency may summarily vacate a public service easement if the easement has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation and the easement has been superceded by relocation and there are no other public facilities located within the easement: and

WHEREAS, pursuant to the requirements of Government Code §27288.1, the names of the owners of the title or interest in 975 South Fairmont Avenue and 1200 West Vine Street as it appeared at the time and in the document creating the interest, right, or encumbrance is as follows:

Owner: Lodi Memorial Hospital Association, Inc., a non-profit California Corporation

WHEREAS, in accordance with Streets and Highways Code §8300 et seq., it is the desire of the City Council of the City of Lodi to vacate such easement.

NOW, THEREFORE, BE IT RESOLVED by the Lodi City Council as follows:

1. That the public utility easement located at 975 South Fairmont Avenue and 1200 West Vine Street be vacated; and

2. That from and after the date this resolution is recorded, such easement will no longer constitute a public service easement.

Dated: September 5, 2007

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I hereby certify that Resolution No. 2007-178 was passed and adopted by the City Council of the City of Lodi in a regular meeting held September 5, 2007, by the following vote:

AYES: COUNCIL MEMBERS – Hansen, Hitchcock, Katzakian, Mounce,  
and Mayor Johnson

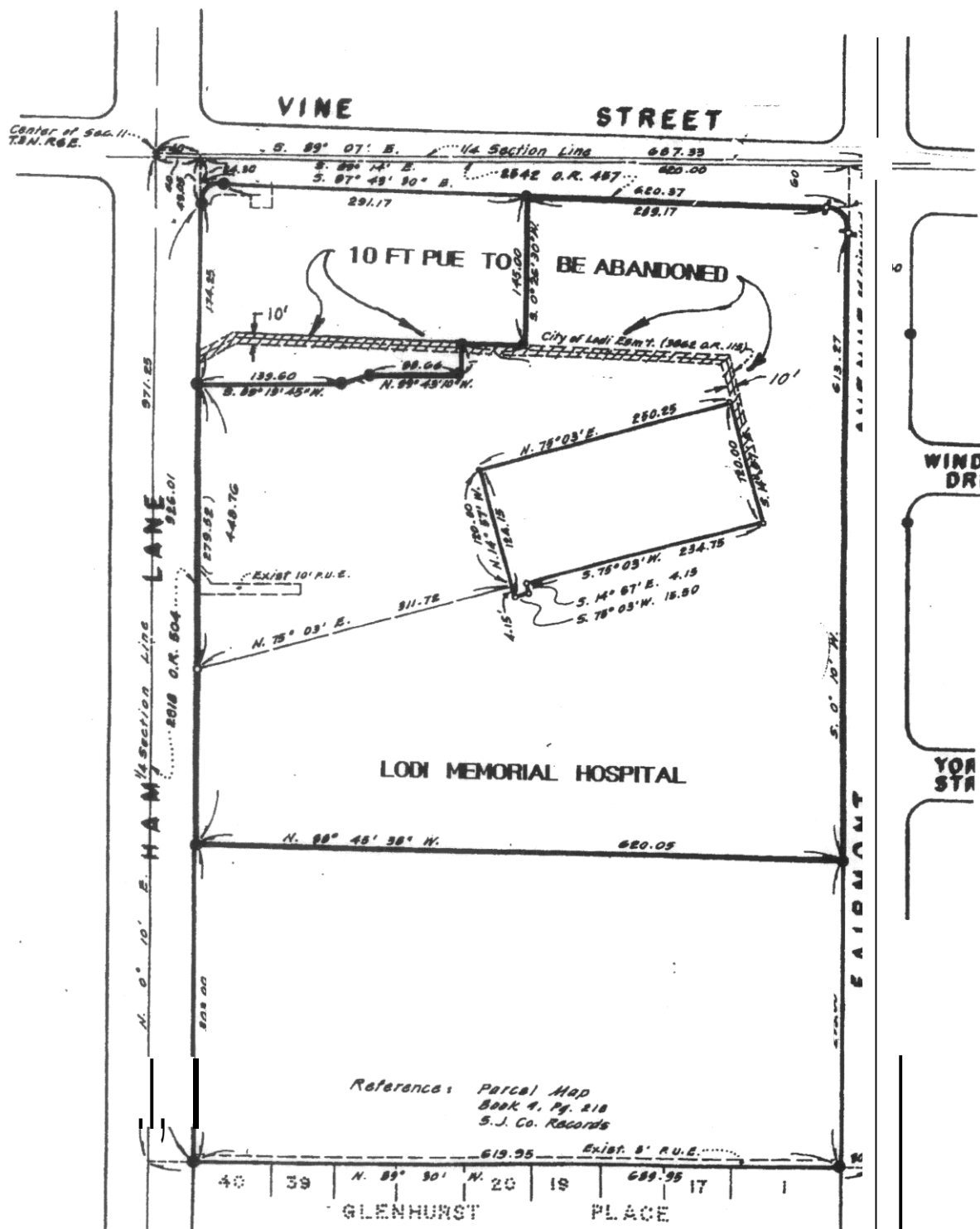
NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None



RANDI JOHL  
City Clerk





## **DECLARATION OF MAILING**

### **LETTER REGARDING VACATION AND ABANDONMENT OF TEN-FOOT PUBLIC UTILITY EASEMENT AT 975 SOUTH FAIRMONT AVENUE AND 1200 WEST VINE STREET**

On September <sup>11</sup>/<sub>10</sub>, 2007, in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing letter regarding vacation and abandonment of ten-foot public utility easement at 975 South Fairmont Avenue and 1200 West Vine Street, attached hereto Marked Exhibit A. The mailing list for said matter is attached hereto, marked Exhibit B.

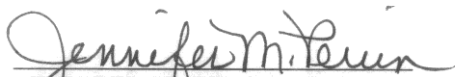
There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on September <sup>11</sup>/<sub>10</sub>, 2007, at Lodi, California.

ORDERED BY:

**RANDI JOHL**  
**CITY CLERK, CITY OF LODI**

  
JENNIFER M. PERRIN, CMC  
DEPUTY CITY CLERK

\_\_\_\_\_  
CYNTHIA MURPHY  
ADMINISTRATIVE CLERK

CITY COUNCIL

BOB JOHNSON, Mayor  
JOANNE MOUNCE,  
Mayor Pro Tempore  
LARRY D. HANSEN  
SUSAN HITCHCOCK  
PHIL KATZAKIAN

# CITY OF LODI

CITY HALL, 221 WEST PINE STREET  
P.O. BOX 3006  
LODI, CALIFORNIA 95241-1910  
(209) 333-6702 / FAX (209) 333-6807  
[www.lodi.gov](http://www.lodi.gov) [cityclerk@lodi.gov](mailto:cityclerk@lodi.gov)

BLAIR KING, City Manager  
RANDI JOHL, City Clerk  
D. STEPHEN SCHWABAUER  
City Attorney

September 10, 2007

TO: Interested Parties

**VACATION: TO SUMMARILY VACATE AND ABANDON A TEN-FOOT PUBLIC  
UTILITY EASEMENT AT 975 SOUTH FAIRMONT AVENUE AND  
1200 WEST VINE STREET**

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This is to inform you that the City Council, at its regular meeting on September 5, 2007, considered the above matter and declared the area summarily vacated and abandoned.

Enclosed for your information is a certified copy of the resolution along with a map of the abandoned area.

Should you have questions regarding the abandonment, please contact the Public Works Department at (209) 333-6706.



City Clerk

RJ/jmp

Enclosure

cc: Public **Works** Department

RESOLUTION NO. 2007-178

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WHEREAS, the owners of the property have requested that the City of Lodi abandon the ten-foot easement; and

WHEREAS, this easement has not been used for the purpose for which it was dedicated: and

WHEREAS, the Streets and Highways Code of the State of California 58333 provides that the legislative body of a local agency may summarily vacate a public service easement if the easement has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation and the easement has been superceded by relocation and there are no other public facilities located within the easement: and

WHEREAS, pursuant to the requirements of Government Code §27288.1, the names of the owners of the title or interest in 975 South Fairmont Avenue and 1200 West Vine Street as it appeared at the time and in the document creating the interest, right, or encumbrance is as follows:

Owner: Lodi Memorial Hospital Association, Inc., a non-profit California Corporation

WHEREAS, in accordance with Streets and Highways Code §8300 et seq., it is the desire of the City Council of the City of Lodi to vacate such easement.

NOW, THEREFORE, BE IT RESOLVED by the Lodi City Council as follows:

1. That the public utility easement located at 975 South Fairmont Avenue and 1200 West Vine Street be vacated; and

2. That from and after the date this resolution is recorded, such easement will no longer constitute a public service easement.

Dated: September 5, 2007

=====


I hereby certify that Resolution No. 2007-178 was passed and adopted by the City Council of the City of Lodi in a regular meeting held September 5, 2007, by the following vote:

AYES: COUNCIL MEMBERS – Hansen, Hitchcock, Katzakian, Mounce,  
and Mayor Johnson

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None

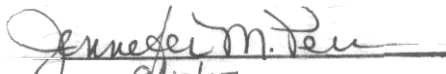


RANDI JOHL  
City Clerk

The foregoing document is certified to be a correct  
copy of the original on file in the City Clerk's Office.

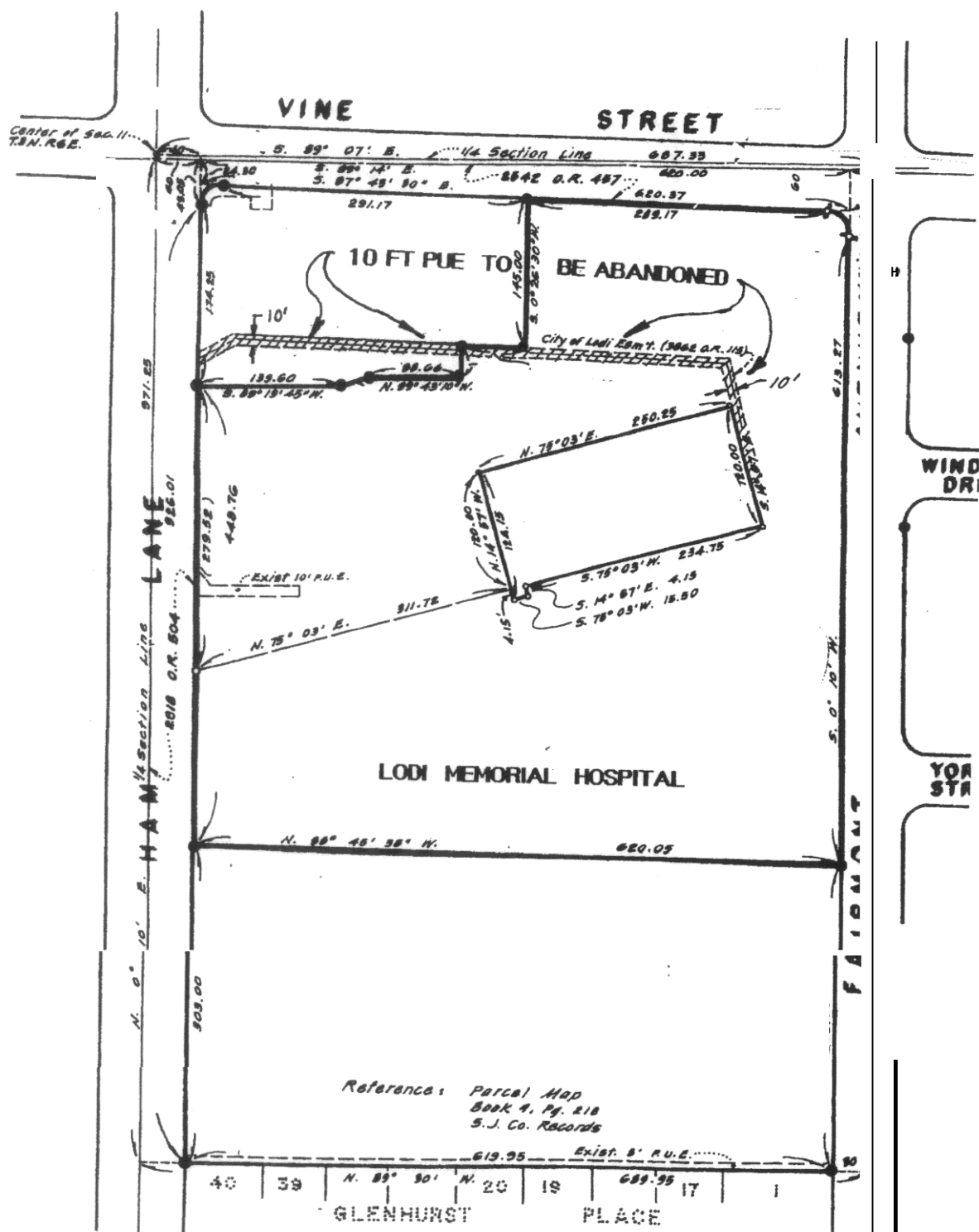
Jennifer M. Perrin  
Deputy City Clerk, City of Lodi

By:  
Dated



9/10/07





**VACATION/ ABANDONMENT  
MAILING LIST**

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**RESOLUTION OF INTENTION (Setting Public Hearing)**

Certified copy w/cover letter to:

PG&E  
12 W. Pine Street  
Lodi, CA 95240

AT&T  
6505 Tam O Shanter Drive  
Stockton, CA 95210

AT&T California  
Attn: Engineering/Public Works Dept.  
2300 E. Eight Mile Road  
Stockton, CA 95210

Central Valley Waste Services  
P.O. Box 241001  
Lodi, CA 95241-9501

Chief Deputy County Surveyor  
Attn: Joe Bussalacci  
1810 E. Hazelton Avenue  
Stockton, CA 95205

Certified copies to:

Jeannie Matsumoto, Public Works

Wes Fujitani, Public Works

Community Development Department

Police Department

Fire Department

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**RESOLUTION OF VACATION (After Public Hearing)**

Certified copy w/cover letter:

PG&E

AT&T

Pacific Bell

Central Valley Waste Services

Chief Deputy County Surveyor

Jeannie Matsumoto, Public Works

Wes Fujitani, Public Works

Community Development Department

Police Department

Fire Department

APN	OWNER	ADDRESS	CITY/STATE/ZIP	SITUS
03106010	BURGOS, ALBERT E	1321 PARK ST	LODI CA 95242	1321 PARK ST
03106011	SCOGGINS, DANIEL B	1315 W PARK ST	LODI CA 95240	1315 PARK ST
03106012	BECERRA, ESAUL & MARIA	1309 W PARK ST	LODI CA 95240	1309 PARK ST
03106013	CROSS, GREGORY B & NANCY A	750 LOUIE AVE	LODI CA 95240	1029 S HAM LN
03106014	SIEGLOCK, JACK A & BRENDA LEE	1702 TIMBERLAKE CIR	LODI CA 95242	1101 S HAM LN
03106016	TAMURA, KAY YOSHIE	1308 PARK ST	LODI CA 95240	1308 PARK ST
03107040	LODI MEMORIAL HOSPITAL ASSN	PO BOX 3004	LODI CA 95241	975 S FAIRMONT ST
03107044	LODI MEMORIAL HOSPITAL ASSN	6653 EMBARCADERO DR STE M	STOCKTON CA 95219	975 S FAIRMONT AVE
03112001	CANEPA, CAROL J TR	131 S ORANGE AVE	LODI CA 95240	1000 S FAIRMONT AVE
03112002	THORNESBERRY, CARLYNE J	1000 YORK ST	LODI CA 95240	1000 YORK ST
03112003	WILCOX, JANET A TR	1007 S ORANGE AVE	LODI CA 95240	1007 S ORANGE AVE
03112004	CARLSON, DALE W	1013 S ORANGE AVE	LODI CA 95240	1013 S ORANGE AVE
03112005	MERCURIO, PAT & DIANA TR	1019 S ORANGE AVE	LODI CA 95240	1019 S ORANGE AVE
03112054	NEAL, DAVID A & BETH A TR	455 W TURNER RD	LODI CA 95242	1104 S FAIRMONT AVE
03113004	900 S FAIRMONT, BUILDING PTP	900 S FAIRMONT AVE	LODI CA 95240	1000 W VINE ST
03113023	KRAUSE, MARY A	1000 W WINDSOR DR	LODI CA 95240	1000 WINDSOR DR
03113040	FAIRMONT HEALTH REALTY HOLDING	PO BOX 160488	ALTAMONTE SPRGS FL 32716	950 S FAIRMONT AVE
03113041	WILLIAMS, GEORGE & BETTY TR ET	1607 SCARBOROUGH DR	LODI CA 95240	1001 YORK ST
03113043	MCKENZIE, THOMAS P & MARGARET	851 TILDEN DR	LODI CA 95242	918 S FAIRMONT AVE
03113044	CAREY, NANCY J TR	2507 ALDER GLEN DR	LODI CA 95242	1001 WINDSOR DR
03308045	FORTIER, JANET M TR	120 S ORANGE AVE	LODI CA 95240	840 S FAIRMONT AVE
03315050	PANAGOPOULOS, JIM & DEBRA	1920 APRICOT WAY	BRENTWOOD CA 94513	832 S FAIRMONT AVE
03331025	BRECKENRIDGE, C R & S TR ETAL	845 S FAIRMONT #1	LODI CA 95240	845 S FAIRMONT AVE
03104002	LODI MIDDLE SCHOOL	945 S HAM	LODI CA 95240	S FAIRMONT AVE